

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JASON R.,¹

Case No. 6:22-cv-00363-MTK

Plaintiff,

ORDER

v.

COMMISSIONER, Social Security
Administration,

Defendant.

KASUBHAI, United States District Judge:

Plaintiff Jason R. brought this action seeking review of the Commissioner’s final decision denying his application for disability benefits under the Social Security Act. The Court reversed the Commissioner’s decision, remanded the case for further proceedings, and entered Judgment on February 8, 2023. Upon remand, the Commissioner found Plaintiff entitled to benefits beginning October 2018.

Plaintiff now seeks an award of fees in the amount of \$1,897.13 pursuant to [42 U.S.C. § 406\(b\)](#). Defendant neither supports nor opposes the request for attorney fees, but notes the amount requested by Plaintiff is the “net” award after subtracting amounts previously received

¹ In the interest of privacy, the Court uses only the first name and last name initial of non-government parties whose identification could affect Plaintiff’s privacy.

by Plaintiff's counsel, and that the Court is required to assess the reasonableness of the total award rather than that net amount. The full amount requested by Plaintiff is \$15,464.75.

Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court has reviewed the record in this case and finds that the aggregate amount of requested fees, \$15,464.75, is reasonable.

Plaintiff's motion (ECF No. 25) is therefore GRANTED as follows: Plaintiff's counsel is awarded \$15,464.75 in attorney's fees under 42 U.S.C. § 406(b). When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the \$6,484.62 previously received under EAJA and the \$7,083.00 previously received under 42 U.S.C. § 406(a), and send the balance of \$1,897.13, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorney, Katherine L. Eitenmiller, at WELLS, MANNING, EITENMILLER & TAYLOR, P.C., from benefits the Social Security Administration has withheld from Plaintiff's past due benefits. Any amount withheld after all administrative and court attorney fees are paid should be released to Plaintiff.

IT IS SO ORDERED.

DATED this 27th day of January 2025.

s/ Mustafa T. Kasubhai
MUSTAFA T. KASUBHAI (He / Him)
United States District Judge